

SUBCHAPTER G : DISPOSITION OF VIOLATIONS

§340.131. Disciplinary Actions.

(a) The commission may assess an administrative penalty, reprimand a licensee, suspend or revoke a license, or take any appropriate action described in Chapters 70 and 80 of this title (relating to Enforcement and Contested Case Hearings) or Texas Water Code, Chapters 32 and 33 (relating to Water Well Drillers and Pump Installers) for violations of the statutes or commission rules.

(b) Grounds for disciplinary action include, but are not limited to, the following:

(1) intentionally misstating or misrepresenting a fact on an application, renewal application, well log, plugging report, or in connection with any other information or evidence furnished to the agency in connection with official commission matters;

(2) Failing to keep and transmit well logs and plugging reports.

(3) failing to mark a water well rig or pump installation vehicle as required by §340.71 of this title (relating to Marking Vehicles and Equipment);

(4) failing to advise a person for whom a well is being drilled, deepened, or otherwise altered (including pump and related equipment installation) that injurious water has been encountered, that this poses a potential pollution hazard, and that the well must be plugged or properly completed according to §340.75 of this title (relating to Plugging and Completion of Water Wells);

(5) failing to properly plug, repair, or complete a well which has encountered water injurious to vegetation, land, or other water according to §340.75 of this title;

(6) failing to provide direct supervision to an unlicensed driller or a registered driller trainee or pump installer apprentice whom the licensed driller or installer has agreed to supervise according to commission rules;

(7) aiding and abetting an unlicensed person to violate Texas Water Code, Chapters 32 and 33, knowingly combining or conspiring with an unlicensed person, allowing his license to be used by an unlicensed person, or acting as an agent, partner, associate, or otherwise, of an unlicensed person with the intent to violate Texas Water Code, Chapters 32 and 33, this chapter, and, Chapter 338 of this title (relating to Water Well Drillers Rules and Water Well Pump Installers);

(8) violating the commission's standards of conduct;

(9) conducting himself as an incompetent driller or pump installer;

(10) failing in any other material respect to comply with Texas Water Code, Chapters

32 and 33, Chapter 338 of this title (relating to Water Well Drillers Rules and Pump Installers), or this chapter;

(11) misrepresenting or misstating the class of well or pump which the licensee is licensed to drill or install.

(c) Procedures relating to complaints.

(1) Any person who believes that a licensed driller or pump installer has violated or is violating Texas Water Code, Chapters 32 and 33, Chapter 338 of this title (relating to Water Well Drillers Rules and Water Well Pump Installers), or this chapter may file a signed written complaint with the executive director which briefly states:

(A) the licensed driller or pump installer's name, address, and, if known, the licensed driller's or pump installer's business name and address;

(B) the nature of the alleged violation;

(C) the approximate date on which the alleged violation took place; and

(D) the complainant's name, telephone number, and address.

(2) If the executive director determines that enforcement action is warranted in response to the complaint, such action shall be taken under Chapters 70 and 80 of this title (relating to Enforcement and Contested Case Hearings).

Adopted May 8, 1996
Derived from §340.131

Effective June 6, 1996

§340.133. Commission Investigations.

The commission may investigate matters concerning water well drillers and pump installers and may take appropriate enforcement action, as necessary, under Chapters 70 and 80 of this title (relating to Enforcement and Contested Case Hearings).

Adopted May 8, 1996
Derived from §340.137

Effective June 6, 1996

§340.135. Notice of Agency Proceedings.

The commission, before revoking or suspending a license, or reprimanding a licensee, shall notify the licensee in writing of the alleged violation and provide the licensee with an opportunity for a hearing. The notice shall be given not later than the 10th day before the date set for the hearing. The notice shall be made by registered mail to the last known business address of the licensee.

Adopted May 8, 1996
Derived from §§340.45, 80.275, and 80.277

Effective June 6, 1996

§340.137. Reinstatement after Disciplinary Action.

(a) A licensee who has been suspended must pay all accrued fees or penalties to regain his status as a driller or pump installer in good standing.

(b) A driller or pump installer whose license has been revoked must apply for a new license and comply with all requirements and procedures for obtaining an original license in order to regain license standing.

Adopted May 8, 1996
Derived from §§340.131, 70.5, and 70.6

Effective June 6, 1996

Derivation Table
Chapter 340 - Licensing Requirements and Complaint Procedures for Water Well Drillers and
Pump Installers
Subchapter G : Disposition of Violations

This table is to be used to track sections during and after rule revisions. The column on the left lists the current sections prior to the revision. The column on the right lists where the section is proposed to be in the final adoption.

New Section	Old Section
340.131	340.131
340.133	340.137
340.135	340.45, 80.275, 80.277
340.137	340.131, 70.5, 70.6